IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.V.K.BALI
&
THE HONOURABLE MR. JUSTICE P.R.RAMAN

WEDNESDAY, THE 22ND NOVEMBER 2006 / 1ST AGRAHAYANA 1928

WA.No. 1999 of 2006()

AGAINST THE JUDGEMENT IN WPC.34021/2004 Dated 12/10/2006
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APPELLANT: PETITIONER:

P.E. SAHASRANAMAN,
RETD.ASSISTANT POSTAL DIRECTOR,
24/203 (OLD NO.11/1162), T.B. ROAD,
PALAKKAD.

BY ADV. SRI.P.B.SAHASRANAMAN
SRI.K.JAGADEESH
SRI.T.S.HARIKUMAR

RESPONDENTS/RESPONDENTS:
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1. STATE OF KERALA, REPRESENTD BY
ITS SECRETARY, LOCAL ADMINISTRATION (G)
DEPARTMENT, SECRETARIAT, THIRUVANANTHAPURAM.

2. THE PALAKKAD MUNICIPALITY
REPRESENTED BY ITS SECRETARY,
MUNICIPAL BUILDINGS, PALAKKAD.

3. THE CHAIRMAN, PALAKKAD MUNICIPALITY,
MUNICIAPL BUILDINGS, PALAKKAD.

4. THE PALAKKAD DEVELOPMENT AUTHORITY,
REPRESENTED BY ITS SECRETARY, PALAKKAD.

R2 & R3 BY ADV.MR.V.CHITAMBARESH
R1 BY GOVERNMENT PLEADER MR.T.B.HOOD

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 22/11/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V.K. BALI, C.J. & P.R.RAMAN, J.

W.A.No.1999 of 2006

Dated, this the 22nd day of November, 2006

JUDGMENT

V.K.Bali,C.J.(Oral)

P.E.Sahasranaman, a retired Assistant Postal Director, has filed the writ petition under Article 226 of the Constitution of India by primarily stating that he could not re-build his own residence for the past 25 years due to the adamant and lethargic attitude of the Palakkad Municipality, as the Municipality has decided to form a road through his property. The Municipality is not taking any effective steps even to acquire the property. In the manner aforesaid the petitioner is not able to use the land owned and possessed by him. On notice Mr.V.Chitambaresh appears on behalf of the Municipality and states that the Municipality has decided to acquire the land of the petitioner. He further states that in a matter of three months from today the proceedings for acquisition would start and every effort shall be made to complete the same within next three months. At this stage learned counsel for the Municipality states that a resolution

for acquisition of land has already been passed, but the same has to be approved by the District Collector and then only a notification under Section 4 of the Land Acquisition Act, 1894 can be issued. Mr.T.B.Hood, learned Government Pleader, states that on receipt of the proposal by the Municipality the Government would approve acquisition of land and notify the same for acquisition. This satisfies the learned counsel for the appellant who says that it is only on the stand taken by the respondents that he would withdraw this writ appeal. Disposed of being withdrawn by specifically stating that the statements of the learned counsel for the Municipality and State shall be deemed to have been recorded.

V.K. BALI,
CHIEF JUSTICE.

P.R.RAMAN,
JUDGE.

vns